IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 7288 of 2004

Between:

Rathod Subash Shankar S/o Shankar Ramachandra Rathode, aged 36 years, C/o Dr. Raman Reddy, Dyaneshwar Nagar, Opp.S.T.Work Shop, Ambejogai Road, Lathur.

... PETITIONER

AND

1 The Vice Chancellor Kakatiya University, Warangal
2 The Chief Co-ordinator Q.I.P Nodal Cell in Pharmacy, Kakatiya University Warangal
3 Co-Ordinator, QIP. Cell, Pharmacy Department, Faculty of Technolgoy and Engineering,

The M.S.Univesity of Baroda, Post Box No.51, Kala Bhavan

Vadodhara, 390001, Gujarath.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the proceedings dt. 15/03/2004 canceling the admission given to the petitioner in M.Pharmacy Under Q.I.P., as arbitrary, illegal, and set aside the same and consequently direct the respondents to give the admission to M.Pharmacy course.

Counsel for the Petitioner: MR.ANDAPALLI SANJEEV KUMAR

Counsel for Respondents 1 & 2 : MR.B.NARAYANA REDDY

The Court made the following :

ORDER:

The petitioner is a resident of Lathur in Maharastra. He applied for admission in M.Pharmacy, Technology Specialization under Quality Improvement Programme (for short "QIP"), sponsored by All India Council for Technical Education. By a communication dated 3.11.2003, the second respondent of Kakithiya University, the nodal agency for QIP for the academic year 2002-2003; informed the petitioner that he has been tentatively selected for M.Pharm Programme under QIP in Pharmaceutical Sciences. He was asked to submit affidavits to the effect that he will work for three years in the sponsoring institute and also affidavit from the Head of the Institution to the effect that the salaries of the petitioner would be paid by such sponsoring institute. The petitioner could not submit the same within the time stipulated. However, by another communication dated 8.1.2004, the second respondent informed the petitioner that he has been provisionally selected and was asked to contact the Co-ordinator/Head of the Department of Pharmacy of Maharaja Sayajirao University of Baroda, Vadodara. The petitioner accordingly was admitted in M.Pharmacy course. However, by another letter dated 15.03.2004, the second respondent informed the petitioner that his application for conditional leave is not acceptable as per rules as he failed to submit required affidavits within the time envisaged. Assailing the said communication, the present writ petition is filed.

This Court, while admitting the writ petition on 30.04.2004, passed orders of interim suspension. The respondents 1 and 2 have moved this Court for vacating the said interim order. The vacate-stay application has been coming up before this Court since 7.09.2004. Be that as it is, by reason of the selection communicated to the petitioner in November, 2003, the petitioner has already been admitted into the course and he is about to complete the course. At this point of time, if the admission is denied to the petitioner under QIP on the ground that he submitted requisite affidavits belatedly, the same would be unreasonable.

Therefore, the writ petition is disposed of directing the respondents authorities to permit the petitioner to complete the course. Be it also noted that for the academic year 2003-2004, Kakitiya University is no more the nodal agency. It is however made clear that this order shall not confer any right on the petitioner to claim leave as a matter of right and also leave salary, which shall be governed by the QIP rules.

(V.V.S.RAO, J)

27th October, 2004.

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To

1 The Vice Chancellor, Kakatiya University,
Warangal
2 The Chief Co-ordinator, Q.I.P Nodal Cell in Pharmacy,
Kakatiya University Warangal
3 Co-Ordinator, QIP. Cell Pharmacy Department ,
Faculty of Technolgoy and Engineering,

The M.S.Univesity of Baroda, Post Box No.51, kala Bhavan
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4 Two C.D.copies.